UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/532,269	03/22/2000	Neil Weicher	03047-P0027A	8293

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EXAMINER
WRIGHT, NORMAN M

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/532,269	WEICHER, NEIL
		Examiner	**Art Unit**
		Norman M. Wright	2134

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 March 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,9-18,20-27 and 29-34* is/are pending in the application.

    4a) Of the above claim(s) *7,8,19 and 28* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,9-18,20-27 and 29-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

NORMAN M WRIGHT
PRIMARY EXAMINER

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ___.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statement filed 30 July 2002 fails to comply with the

provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it fails to provide the

publication date for the two non-patent publications. It has been placed in the

application file, but the information referred to therein has not been considered as to the

merits. Applicant is advised that the date of any re-submission of any item of

information contained in this information disclosure statement or the submission of any

missing element(s) will be the date of submission for purposes of determining

compliance with the requirements based on the time of filing the statement, including all

certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609

¶ C(1).

Drawings

2.   The informal drawings are not of sufficient quality to permit examination.

Accordingly, new drawings are required in reply to this Office action.

        Applicant has submitted informal drawings, which are acceptable for examination

purposes only, formal drawing will be required when the application is allowed or

allowable subject matter is indicated.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-6, 9-18, 20-27, and 29-34, are rejected under 35 U.S.C. 103(a) as

being unpatentable over Zizzi, U.S. Pat. No. 6,185,681, hereinafter '681 in view of

Zimmermann, U.S. Pat. No. 6,314,190, hereinafter '190.

As to claims 1-6, 16-17, 25-27, '681 teaches a method and system for

transparent encryption and decryption for a document management system, comprising:

a system for encrypting data files, a storage device, an application, a program executing

on the computer, encrypting before storage, intercepting retrieved data, decrypting

them, in application memory, does not store unencrypted versions of encrypted data

files, encrypts and decrypts automatically, encrypt key, application identifier (name),

stored in encrypted file, execute application, decrypt data with encrypt key (symmetric,

DES), and second storage means. See abstract, figs. 1-5, col. 1, lines 30-36 et seq.,

lines 44-49 et seq., col. 3, lines 27-33 et seq., col. 4, lines 23-42 et seq., col. 5, lines 31-

55 et seq., col. 6, lines 1-8 et seq., lines 25-50 et seq., col. 7, lines 3-10 et seq., line 25-

30 et seq., and lines 39-67 et seq., col. 8, lines 32-38 et seq., and lines 60-67 et seq.,

claims 1-3, 7, 12, and 23-26.

5.   As to claims 1 and 25, '681 substantially teaches the claimed invention as recited

above, not explicitly used is the language of a passkey being selected from a group of

passkeys. '681 utilize two keys prior to the encryption of a document, a named key and

a key value. The encryption key name is selected from a plurality of key names stored

in a file. After authentication has taken place, the key name associated with the

document and user is then, utilized to retrieve a key value that is used to encrypt the

document (figs. 4-5, and col. 7-8). It would have been obvious to one of ordinary skill in the art at the time of the invention, to modify or label the keys utilized to provide further/additionally security for a document to be encrypted as passkeys. One of ordinary skill in the art would have been motivated to call the keys which grant access passkeys, because, the labeling of a group of keys as passkeys, would not have any affected on the functions that they provide. Moreover, a skilled artesian in the data processing art would have been motivated to call the keys which access additional security functions as passkeys, because it is the means by which additional encryption and decryption processes take place.

6.   As to claims 10 and 15, '681 as modified above, teach the use of the passkey/key name being generated from a feature of the encrypted file, and encryption and decryption (figs. 4 and 5, col. 7, lines 64 et seq., and col. 8, lines 63 et seq.).

7.   As to claims 11-14, '681 do not explicitly teach the use of size, time, and date as being the feature upon which the passkey is generated. '190 teaches that the additional security features of a passkey/session key may be based upon such criteria, figs. 4, 5A-5B and 7, abs., summary, col. 6, lines 10 et. seq.. It would have been obvious to one of ordinary skill in the art at the time of the invention, to further modify the invention of '681 to have the passkey created on a feature of size, date, time or a combination thereof. One of ordinary skill in the art would have been motivated to perform said modification, because, the use of session keys and the signing of digital data/messages with timestamp information is well known in the data processing arts. The use of time stamp data as criteria for signing or generating a means of encryption and decryption for

datum is also well known in the data processing art. '190 teaches that the use of

session keys in signing is digital signatures are well known in the art, see the

background (col. 2, lines 28 et seq.). Additionally, '190 teach that the use of his method

allows one to transparently encrypt data that has the added security features of key

recovery/repudiation (col. 6, lines 38 et seq., and col. 7-8). Therefore, one of ordinary

skill would have been motivated to utilize such a cryptographic system as the one

disclosed by '190 as a means of transparently adding additional security feature to his

system and, the use of time stamp information is datum in a key has conventionally

proven effective to limit available cipher text from attack as well as other advantages.

8.   As to claims 18, 20-24 and 29-34, they distinguish over rejected claims 1-6, 9-17,

by reciting a second memory/redundant/backup/replica, which may be remotely located,

and performing the cryptographic process there as well or in conjunction with the first

memory, these features are not explicitly taught by '681. '190 further teach that his

invention may be practice on a single system or a distributed one, see figs. 2 and 3.

'681 teach that his invention may be utilized on networks that have distributed

databases (see col. 6, lines 25 et seq., and col. 7, lines 1-25 et seq.). The examiner

takes official notice of both the motivate and modification necessary to store datum on a

plurality of storages, the use of distributed data storage, and replicated or backup data

storage systems, these are notoriously well known in the data processing arts. It would

have been obvious to one of ordinary skill in the art at the time of the invention, to

further modify the invention of '681 and '190 with a data replication, backup, redundant,

or distributed data storage system. One of ordinary skill in the art would have been

motivated to further augment the inventions of '681 and '190, with a means of accessing

data over a distributed network, or in conjunction with a redundant/replicated or backup

storage systems. Because the use of storing datum in such systems afford the users' of

said system with an alternative means to store and protect data in the event of a failure,

and a ready and reliable means to recover from a storage failure. This is notoriously

well known in the data processing arts.

Response to Arguments

9.   Applicant's arguments filed 3/10/05 have been fully considered but they are not

persuasive.

As to the remarks that '681 fails to teach a file holding the key that was used to

encrypt itself, the examiner does not concur. The claim language only require that the

key be stored in a file, there is no relationship between the key and the file recited.

Therefore, it is moot whether this feature is taught or not, as it has not been claimed.

As to the remarks regarding "in memory", the specification uses the phrase to

mean that the encryption/decryption takes place in a computers local memory. That is

precisely the case here, the management operation triggers a trap operation that does

not release until the document has been decrypted, thus taking place in local memory,

see figure 5.

As to the backup of a second memory, official notice was taken and not

seasonably challenged so a reference was not provided. However Matt Blaze, "A

cryptographic File System for Unix" does in fact teach that remote storage of encrypted

files are possible see figure 2. Similarly, for the random password to be created '681

provided a teaching that passkey could be based upon other criteria see above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to
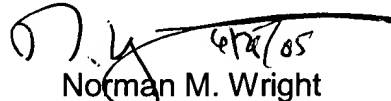
applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Norman M. Wright whose telephone number is (571)

272-3844. The examiner can normally be reached on weekdays from 8 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Greg Morse can be reached on (571) 272-3838. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Norman M. Wright
Primary Examiner
Art Unit 2134